

**ROTHSTEIN LAW PLLC**

11 Park Place  
Suite 1801  
New York, New York 10007  
(212) 385-8015

Member NY & NJ Bars

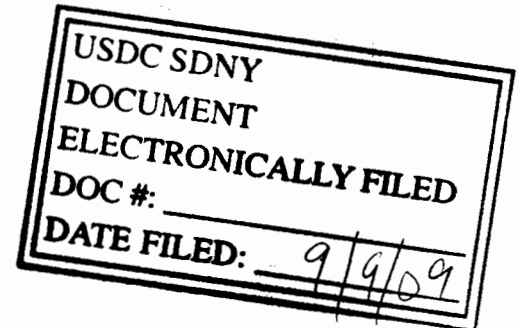
Fax (212) 385-7845

MEMORANDUM FOR THE COURT

September 8, 2009

**VIA ECF ONLY**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: David Heyman v. The United States of America  
09 CV 2238

Dear Judge Gorenstein:

I represent the plaintiff in the above-entitled action. Last week, I received a telephone message from your chambers advising that the Court has scheduled a conference for September 11, 2009. I write to advise the Court that I am actually engaged on trial in Supreme Court, New York County, before Judge Lewis Bart Stone in *People of the State of New York v. Gerrod Nettles*, Indictment no. 458-09. Trial commenced on September 4<sup>th</sup> with preliminary matters and we are currently in the first round of jury selection. I expect trial to last two to three weeks.

Accordingly, I respectfully request that the September 11<sup>th</sup> conference, and my time to respond to the Government's letter, be adjourned.

Respectfully submitted,

**ROTHSTEIN LAW PLLC**

*Eric E. Rothstein*

By: Eric E. Rothstein

cc: A.U.S.A. Bertrand Madsen  
(via ecf only)

This letter was improperly sent through the ECF system and also does not comply with the procedures outlined in paragraph 1.E and 1.F of this Court's Individual Practices. Nonetheless, the Court will consider the letter and in light of the actual engagement will allow the response to the August 24 letter to be submitted on September 24, 2009. Any reply shall be filed promptly thereafter. The September 11, 2009 conference is adjourned to October 7, 2009 at 10:15 a.m.

SO ORDERED: DATE: 9/9/2009  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE